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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,335

07/21/2006

Merritt B. Andrus

49506-12

9418

28441 7590 09/11/2008  
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EXAMINER

NWAONICHA, CHUKWUMA O

ART UNIT

PAPER NUMBER

1621

MAIL DATE

DELIVERY MODE

09/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



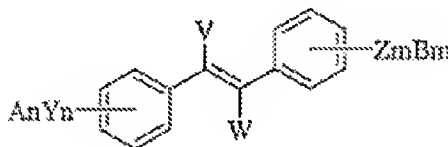
### DETAILED ACTION

Claims 5-7, 9, 11, 13, 15, 17 and 55-68 are pending in the application.

### *Election/Restrictions*

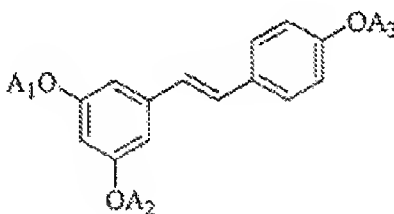
Restriction to one of the following inventions is required under 35 U.S.C. 121:

**Group 1.** Claims 5, 6, 55, 56, 58, 59, 61, 62, 64, 65, 67 and 68, drawn to a process of preparing a compound of the general formula I; classified in class 568, subclass 8+.



formula I

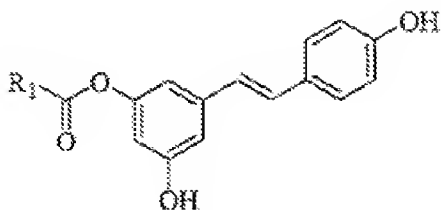
**Group 2.** Claims 7, 57, 60, 63 and 66, drawn to a process of preparing a compound of the general formula 1A3; classified in class 568, subclass 8+.



formula 1A3

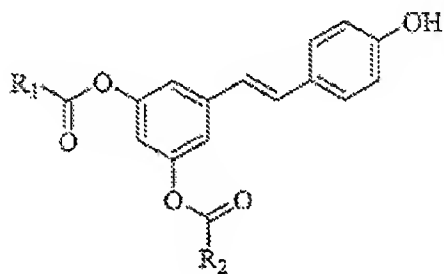
**Group 3.** Claim 9, drawn to a process of preparing a compound of the general formula 3; classified in class 568, subclass 8+.

Art Unit: 1621



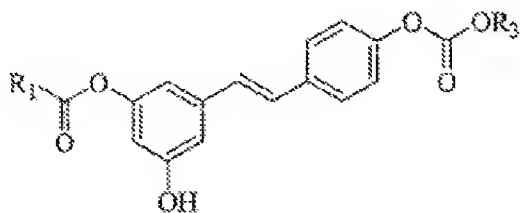
formula 3

**Group 4.** Claim 11, drawn to a process of preparing a compound of the general formula 4; classified in class 568, subclass 8+.



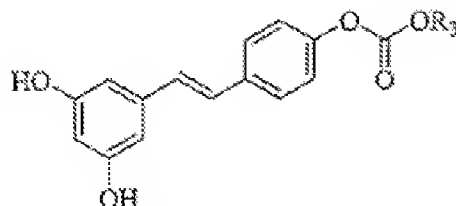
formula 4

**Group 5.** Claim 13, drawn to a process of preparing a compound of the general formula 5; classified in class 568, subclass 8+.



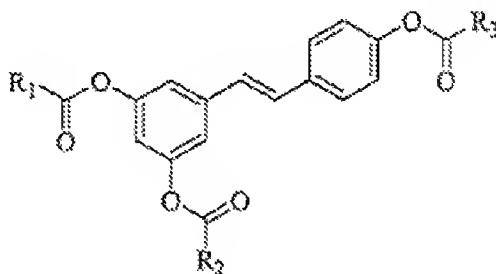
formula 5

**Group 6.** Claim 15, drawn to a process of preparing a compound of the general formula 6; classified in class 568, subclass 8+.



formula 6

**Group 7.** Claim 17, drawn to a process of preparing a compound of the general formula 7; classified in class 568, subclass 8+.



formula 7

The inventions of Groups 1-7 are independent and patentably distinct because there is no patentable co-action among the seven groups and a reference anticipating one member will not render the other obvious because the seven Groups are directed to different compounds and different processes, which require different process conditions. These seven Groups are different inventions and require different search strategies.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, a search of the seven groups designated above would impose an undue burden upon the examiner, and restriction for examination purposes as indicated is therefor proper.

A telephone call was made to Ryan Marshall on 09/2/2008 to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chukwuma O. Nwaonicha/  
Examiner, Art Unit 1621

/Karl J. Puttlitz/  
Primary Examiner, Art Unit 1621

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Daniel Sullivan  
Supervisory Patent Examiner,

Application/Control Number: 10/597,335  
Art Unit: 1621

Page 6

Technology Center 1600